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09/802,844	03/12/2001	Tadashi Ohta	108652	7819
25944 7590 08/10/2007 OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER ROBINSON BOYCE, AKIBA K	
			ART UNIT 3628	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/802,844	OHTA, TADASHI	
	Examiner	Art Unit	
	Akiba K. Robinson-Boyce	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 20-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 20-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/5/07 has been entered.

Status of Claims

2. Due to communications filed 11/2/06, the following is a non-final office action. Claims 1 and 38 have been amended. Claims 12-19 have been cancelled. Claims 1-11 and 20-40 are pending in this application and have been examined on the merits. The previous rejection has been maintained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11, and 20-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund et al (US 6,154,295), in view of Nardoizzi et al (US 6,636,837).

As per Claim 1 , Fredlund et al discloses a print service comprising:

A digital image data receiver that directly receives the digital image data from a source of the digital image data via a wired or wireless communication line, (Col. 2, lines 29-30, shows scanning of the visible images to create a digital image file, also as shown in Fig 4, where the computer represents the digital image data receiver, and the scanner is the source, where the scanner is connected to the computer via wired communication);

a recorder (26, computer) that records reception date of an order from the user and data identifying the user (col. 3, lines 28-39);

a receiver that receives a present print order from a user, (col. 2, lines 35-38, ordering photographic prints for the customer's home to the photofinisher);

a checker that checks whether or not the reception date of the present print order is within a predetermined period of a reception date of a previous order from the same user in a record recorded in the recorder, (col. 3, lines 41 -57); and

a charge determiner that determines a print charge of the present print order...if the checker finds in the record the previous order from the same user within the predetermined time period, (col. 3, lines 41-57),

wherein a plurality of predetermined periods are prepared in the checker (col. 4, lines 24-55),

and the charge determiner deducts a different predetermined amount from the print charge for each of the plurality of predetermined time periods, (col. 3, lines 28-57, and line 4, lines 39-55),

Fredlund et al does not disclose the system that provides a discount to the repeating customer regardless of a content of the previous order by deducting a predetermined amount from the print charge regardless of a content of the pervious order.

However, Nardozzi et al. teaches, for a method and system for ordering photofinishing goods and services. This invention provides an incentive (or promotional discount) to the customer who previously used or ordered before regardless of a content of the previous order (col. 9, lines 18-52).

Since Nardozzi et al. and Fredlund et al. are both from the same field of endeavor of providing an incentive to the customer who previously used or ordered the service, the purpose disclosed by Nardozzi et al. would have been well recognized in the pertinent field of Fredlund et al.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Fredlund et al. such that the invention provides a discount by deducting a predetermined amount from the print charge to the repeating customer who previously used or ordered regardless of a content of the previous order, as taught by Nardozzi et al, for the purpose of encouraging the customer to keep using and ordering the services in the future.

As per Claim 2, the modified system of Fredlund et al further discloses:
wherein the predetermined period is less than one month (col. 3, lines 50-51).

As per Claim 3, the modified system of Fredlund et al further discloses:

wherein the checker includes a comparator that compares the user of the order of this time with the data identifying the user in the record (see the database and computer in Fig. 1 of Fredlund et al. to process the data to identify the user).

As per Claim 4, the modified system of Fredlund et al further discloses:

wherein the checker includes a comparator that finds out a relationship between the data of the order and the reception data in the record in view of the predetermined period, (Fig. 1 and col . 3, lines 41-57, col. 6, lines 21-35).

As per Claim 5, the modified system of Fredlund et al further discloses:

wherein the comparator includes an adder that adds the predetermined period to the reception date in the record to compare it with the date of the order of this time (col. 4, lines 39-55).

As per Claim 6, the modified system of Fredlund et al further discloses:

wherein the comparator includes a subtractor that subtracts the predetermined period from the date of the order of this time to compare it with the reception date in the record, , (col. 3, lines 41-57).

As per Claim 7, the modified system of Fredlund et al further discloses:

wherein the comparator includes a finder that finds a period between the date of the order of this time and the reception date in the record to compare it with the predetermined period (col. 3, lines 28-57, and line 4, lines 39-55).

As per Claim 8, the modified system of Fredlund et al further discloses:

wherein the checker checks up if the user used the same print service within the predetermined period, (col. 3, lines 41 -57).

As per Claim 9, the modified system of Fredlund et al further discloses:

the print service further comprising a reception that receives the order, wherein the checker checks up if the order is through the same reception within the predetermined period (col. 3, lines 28-57, and line 4, lines 39-55).

As per Claim 10, the modified system of Fredlund et al further discloses:

wherein the contents to be recorded by the recorder are attached to the digital image data, (col. 4, lines 24-38).

As per Claim 11 , the modified system of Fredlund et al further discloses:

wherein the contents to be recorded by the recorder are embedded in the digital image data (col. 3, lines 28-39).

As per Claim 20, Fredlund et al. discloses a system comprising:

A digital image data receiver that directly receives the digital image data from a source of the digital image data via a wired or wireless communication line, (Col. 2, lines 29-30, shows scanning of the visible images to create a digital image file, also as shown in Fig 4, where the computer represents the digital image data receiver, and the scanner is the source, where the scanner is connected to the computer via wired communication);

a recorder (26, computer) that records data identifying the user, (col. 3, lines 28-39);

a receiver that receives a present print order from the user, (col. 2, lines 35-38, ordering photographic prints for the customer's home to the photofinisher);;

a checker that checks whether or not the user used the same laboratory system

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before according to the record (col. 3, lines 41 -57);

a determiner that determines the print charge on the order of time in response to the checker (col. 3, lines 41-57); and

a reporter that reports the outcome of the determiner to a service front that contacts the user (62 in Fig. 1).

Fredlund et al does not expressly disclose the system that performs a check regardless of a content of the present print order.

However, Nardozzi et al. teaches, the system that performs a check regardless of a content of the present print order, (col. 3, lines 20-33, shows providing of an initial product offering, where the product offering represents the present print order, and analyzing the order based on the collection of order information with respect to orders placed at the kiosk, and not the content of the order information since the content information is then analyzed after it is collected, in this case the check is done through collection on an initially offered product).

Since Nardozzi et al. and Fredlund et al. are both from the same field of endeavor of providing an incentive to the customer who previously used or ordered the service, the purpose disclosed by Nardozzi et al. would have been well recognized in the pertinent field of Fredlund et al.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Fredlund et al such that

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the invention that performs a check regardless of a content of the present print order, as taught by Nardoizzi et al, for the purpose of encouraging the customer to keep using and ordering the services in the future.

As per Claim 21 , the modified system of Fredlund et al further discloses the system, wherein the determiner deducts a predetermined amount from the print charge on the order of this time regardless of that on the previous order by the same user if it is confirmed by the checker that the user used the same laboratory system before (col. 3, lines 40-57).

As per Claim 22, the modified system of Fredlund et al further discloses:

wherein the service front is separate from the laboratory (Figs. 1, 4).

As per Claim 23, the modified system of Fredlund et al further discloses:

wherein the checker checks up if the data identifying the user same as that of the order time has been recorded before (col. 3, lines 28-57, and line 4, lines 39-55).

As per Claim 24, the modified system of Fredlund et al further discloses:

including a second recorder that records the service front receiving the order, wherein the recorder reports the service front recorded in the second recorder (Figs. 1, 4, col. 3, lines 28-57, and Col 4, lines 39-55)

As per Claim 25, the modified system of Fredlund et al further discloses:

including a second recorder that records the service front in charge of the delivery of the prints to the user, wherein the recorder reports the service front recorded in the second recorder (col. 3, lines 28-39).

As per Claim 26, the modified system of Fredlund et al further discloses:

wherein the contents to be recorded by the recorder are attached to the digital image data (Col 4, lines 39-55).

As per Claim 27, the modified system of Fredlund et al further discloses:

wherein the contents to be recorded by the recorder are embedded in the digital image data (Col 4, lines 39-55).

As per Claim 28, Fredlund et al. discloses a system comprising:

a first recorder that records data identifying the user (see Figs. 1, 4);

a second recorder that records...the given laboratory system, (Figs 1 and 4, w/ col. 3, lines 28-39);

a receiver that receives a print order from the user, (col. 2, lines 35-38, ordering photographic prints for the customer's home to the photofinisher);

a checker that checks whether or not the user used the same service front before according to the record of the first recorder, (col. 3, lines 41 -57); and

a determiner that determines the print charge on the order of this time in response to the checker..., (col. 3, lines 41-57).

Fredlund et al. does not expressly disclose a plurality of laboratory systems, but does disclose a laboratory system where a user can place a print order as shown above in col. 2 lines 35-38).

However, Nardozzi et al discloses:

a plurality of laboratory systems, (col. 15, lines 4-5, where it is disclosed that the photofinishing goods/services are displayed in a plurality of kiosks). Nardozzi et al

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disclose this limitation in an analogous art for the purpose of showing that a user can display photofinishing goods/services in more than one location.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a plurality of laboratory systems with the motivation of allowing a user to select a location of processing print orders.

Fredlund et al. does not expressly disclose recording a name of the laboratory, but does teach recording and identifying the digital image file from which the index print was made.

However, Nardozzi et al. teaches recording a name of the laboratory, (Col. 7, lines 56-59, shows that upon receiving an order the name of the identified store is recorded). Nardozzi et al discloses this limitation in an analogous art for the purpose of showing that information recorded upon making an order is used for further processing the order.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to record a name of the laboratory with the motivation of documenting the name of the place where the photos are processed into the system for later retrieval.

Fredlund et al. does not expressly disclose the system that determines regardless of a content of the previous order or a record.

However, Nardozzi et al. teaches, for a method and system for ordering photofinishing goods and services, that the invention provides an incentive (or

promotional discount) to the customer who previously used or ordered before regardless of a content of the previous order (col. 9, lines 18-52).

Since Nardozzi et al. and Fredlund et al. are both from the same field of endeavor of providing an incentive to the customer who previously used or ordered the service, the purpose disclosed by Nardozzi et al. would have been well recognized in the pertinent field of Fredlund et al.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Fredlund et al. such that the invention that determines regardless of a content of the previous order or a record, as taught by Nardozzi et al, for the purpose of encouraging the customer to keep using and ordering the services in the future.

As per claim 29, the modified system of Fredlund et al further discloses:
a requester that requests printing of the present print order by the given laboratory system based on a record recorded by the second recorder (see Fig. 4 and col. 3, lines 28-57, and Col 4, lines 39-55).

As per Claim 30, the modified system of Fredlund et al. further discloses:
a second receiver that receives a report of a printing charge determined by the given laboratory system, and a charging system that charges the user the total amount of the given laboratory system printing charge and the print charge determined by the charge determiner (see "62" in Figs. 1 and 4 and the descriptions).

As per Claim 31 , the modified system of Fredlund et al. further discloses:

wherein the print service front acts as a reception site that receives an order for printing images from the user (Figs. 1 and 4).

As per Claim 32, the modified system of Fredlund et al. further discloses:

wherein the print service front acts as a delivery site that delivers the print output to the user, (see Figs. 1 , 4 for the delivery).

As per Claim 33, the modified system of Fredlund et al. further discloses:

wherein the determiner determines lower charge if it is confirmed by the checker that an order from the same user was received within a predetermined period prior to the order of this time (col. 3, lines 28-57, and Col 4, lines 39-55).

As per Claim 34, the modified system of Fredlund et al. further discloses:

wherein the predetermined period is less than one month (col. 3, lines 28-57).

As per Claim 35, the modified system of Fredlund et al. further discloses:

wherein the checker checks up if the data identifying the user same as that of the order time has been recorded before (col. 3, lines 28-57).

As per Claim 36, the modified system of Fredlund et al further discloses:

wherein the contents to be recorded by the first and second recorders are attached to the digital image data (Col 4, lines 39-55).

As per Claim 37, the modified system of Fredlund et al further discloses:

wherein the contents to be recorded by the first and second recorders are embedded in the digital image data (Col 4, lines 39-55).

As per Claim 38, the modified system of Fredlund et al further discloses:

a digital image data receiver that directly receives the digital image data from a

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source of the digital image data via a wired or wireless communication line, (Col. 2, lines 29-30, shows scanning of the visible images to create a digital image file, also as shown in Fig 4, where the computer represents the digital image data receiver, and the scanner is the source, where the scanner is connected to the computer via wired communication);

a recorder, (26, computer) that records a reception date of orders received from users and data identifying each user, (col. 3, lines 28-39);

a receiver that receives a present print order from a user, (col. 2, lines 35-38, ordering photographic prints for the customer's home to the photofinisher); and

a charge determiner that determines a print charge of the present print order by deducting a predetermined amount..., based upon a record recorded in the recorder, that the reception date of the present print order is within a predetermined time period of a reception date of a previous order from the same user, (col. 3, lines 41-57),

wherein a plurality of predetermined periods are prepared, (col. 4, lines 24-55),

and the charge determiner deducts a different predetermined amount from the print charge for each of the plurality of predetermined time periods, (col. 3, lines 28-57, and line 4, lines 39-55),

Fredlund et al does not disclose the system that makes a determination regardless of a content of the previous order by deducting a predetermined amount from the print charge regardless of a content of the pervious order.

However, Nardozzi et al. teaches, for a method and system for ordering photofinishing goods and services. This invention provides an incentive (or promotional

discount) to the customer who previously used or ordered before regardless of a content of the previous order (col. 9, lines 18-52).

Since Nardozzi et al. and Fredlund et al. are both from the same field of endeavor of providing an incentive to the customer who previously used or ordered the service, the purpose disclosed by Nardozzi et al. would have been well recognized in the pertinent field of Fredlund et al.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Fredlund et al. such that the invention makes a charge determination by deducting a predetermined amount from the print charge to the repeating customer who previously used or ordered regardless of a content of the previous order, as taught by Nardozzi et al, for the purpose of encouraging the customer to keep using and ordering the services in the future.

As per Claim 39, the modified system of Fredlund et al further discloses:

a digital image data receiver that directly receives the digital image data from a source of the digital image data via a wired or wireless communication line, (Col. 2, lines 29-30, shows scanning of the visible images to create a digital image file, also as shown in Fig 4, where the computer represents the digital image data receiver, and the scanner is the source, where the scanner is connected to the computer via wired communication);

a recorder, (26, computer) that records data identifying the user, (col. 3, lines 28-39);

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a receiver that receives a present print order from the user, (col. 2, lines 35-38, ordering photographic prints for the customer's home to the photofinisher);

a determiner that determines a print charge for the present print order based on a determination as to whether or not the user has previously ordered a print with the same laboratory system...and based on a record recorded by the recorder, (col. 3, lines 41-57); and

a reporter that reports the outcome of the determiner to a service front that delivers the print to the user, (62 in Fig. 1).

Fredlund et al does not expressly disclose the system that makes a determination regardless of a content of the present print order.

However, Nardozzi et al. teaches, the system that makes a determination regardless of a content of the present print order, (col. 3, lines 20-33, shows providing of an initial product offering, where the product offering represents the present print order, and analyzing the order based on the collection of order information with respect to orders placed at the kiosk, and not the content of the order information since the content information is then analyzed after it is collected, in this case the check is done through collection on an initially offered product).

Since Nardozzi et al. and Fredlund et al. are both from the same field of endeavor of providing an incentive to the customer who previously used or ordered the service, the purpose disclosed by Nardozzi et al. would have been well recognized in the pertinent field of Fredlund et al.

Accordingly, it would have been obvious at the time the invention was made to a

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person having ordinary skill in the art to modify the invention of Fredlund et al such that the invention that performs a check regardless of a content of the present print order, as taught by Nardozzi et al, for the purpose of encouraging the customer to keep using and ordering the services in the future.

As per Claim 40, the modified system of Fredlund et al further discloses:

a first recorder that records data identifying the user, (see Figs. 1, 4);

a second recorder that records...the given laboratory system, , (Figs 1 and 4, w/ col. 3, lines 28-39);

a receiver that receives a present print order from the user, (col. 2, lines 35-38, ordering photographic prints for the customer's home to the photofinisher); and

a charge determiner that determines the print charge of the present print order based on a determination as to whether or not the user has previously ordered prints with the same print service front according to the record recorded by the first recorder..., (col. 3, lines 41-57).

Fredlund et al. does not expressly disclose a plurality of laboratory systems, but does disclose a laboratory system where a user can place a print order as shown above in col. 2 lines 35-38).

However, Nardozzi et al discloses:

a plurality of laboratory systems, (col. 15, lines 4-5, where it is disclosed that the photofinishing goods/services are displayed in a plurality of kiosks). Nardozzi et al disclose this limitation in an analogous art for the purpose of showing that a user can display photofinishing goods/services in more than one location.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a plurality of laboratory systems with the motivation of allowing a user to select a location of processing print orders.

Fredlund et al. does not expressly disclose recording a name of the laboratory, but does teach recording and identifying the digital image file from which the index print was made.

However, Nardozzi et al. teaches recording a name of the laboratory, (Col. 7, lines 56-59, shows that upon receiving an order the name of the identified store is recorded). Nardozzi et al discloses this limitation in an analogous art for the purpose of showing that information recorded upon making an order is used for further processing the order.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to record a name of the laboratory with the motivation of documenting the name of the place where the photos are processed into the system for later retrieval.

Fredlund et al does not expressly disclose the system that makes a determination regardless of a content, or record.

However, Nardozzi et al. teaches, the system that makes a determination regardless of a content or record, (col. 3, lines 20-33, shows providing of an initial product offering, where the product offering represents the present print order, and analyzing the order based on the collection of order information with respect to orders placed at the kiosk, and not the content of the order information since the content

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information is then analyzed after it is collected, in this case the check is done through collection on an initially offered product).

Since Nardozzi et al. and Fredlund et al. are both from the same field of endeavor of providing an incentive to the customer who previously used or ordered the service, the purpose disclosed by Nardozzi et al. would have been well recognized in the pertinent field of Fredlund et al.

Accordingly, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Fredlund et al such that the invention that performs a check regardless of a content of the present print order, as taught by Nardozzi et al, for the purpose of encouraging the customer to keep using and ordering the services in the future.

Response to Arguments

5. Applicant's arguments filed 7/5/07 have been fully considered but they are not persuasive.

from col. 4, lines 36-38, the "charge" disclosed by Fredlund is a nominal fee for extending the store period of the digital negatives, but not a print charge, as recited in independent claims 1 and 38. Further, "the special prices that may apply" referred to in col. 4, lines 48-50 corresponds to only one discount amount, not a different predetermined amount from the print charge for each of the plurality of predetermined time periods, as recited in independent claims 1 and 38. Further, Nardozzi fails to account for these deficiency of Fredlund. Nardozzi merely discloses offering discount coupons to customers to encourage customers to try new goods and services (col. 9, lines 39-52). Accordingly, independent claims 1 and 38,

With respect to claims 1 and 38, applicant argues that neither Fredlund nor Nardozzi disclose a plurality of predetermined time periods are prepared and the charge determiner deducts a different predetermined amount for each of the plurality of

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predetermined time periods. Applicant specifically argues that in col. 4, lines 36-38, of Fredlund, the "charge" disclosed is a nominal fee for extending the store period of the digital negatives, but not a print charge, as recited in independent claims 1 and 38.

Applicant further argues that, "the special prices that may apply" referred to in col. 4, lines 48-50 corresponds to only one discount amount, not a different predetermined amount from the print charge for each of the plurality of predetermined time periods, as recited in independent claims 1 and 38. However, Fredlund discloses these limitations by itself. In Fredlund et al, it is during these certain periods of time that special price advantages are offered, which is analogous to time periods of the present claims where an amount is deducted for a particular time period since in Fredlund, the purpose of storing the digital file is to use it to order a print service within a specified period of time as shown in Col. 4, lines 43-46. Since it is not possible to place a print order without having a print file (print order does not exist without print file), and in Fredlund et al, since if no print service is ordered, the file is then automatically deleted, charging for the print order for that specified time period it is analogous to charging for the print file. In addition, "the special prices that may apply" does not only correspond to only one discount amount. Col. 3, lines 41-44, of Fredlund et al shows that there are specific prices per customer order. Therefore, in Col. 3, lines 51-56, when the customer orders a special service, and special prices apply for a particular time period, each specific special price applies for each special order.

As per claims 20 and 39, the applicant argues that neither Fredlund nor Nardozzi disclose a checker that checks whether or not the user has previously ordered a print

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with the same laboratory system. Applicant argues that Fredlund discloses a checker that checks whether or not the user has previously ordered a print with the same laboratory system. However, Nardozzi et al discloses providing an incentive (or promotional discount) to the customer who previously used or ordered as shown in col. 9, lines 18-52. Specifically, in col. 9, lines 30-35 Nardozzi et al discloses that the special offering is provided by the lab that completes the order, thereby making it obvious that whenever the customer takes advantages of this special offer, that the order can be made within the same laboratory system, and that it would be logical to check and validate this information.

As per claims 28 and 40, the applicant argues that neither Fredlund nor Nardozzi disclose a checker that checks whether or not the user has previously ordered prints with the same print service front according to the record recorded by the first recorder. However, as described in the previous paragraph, Nardozzi et al discloses providing an incentive (or promotional discount) to the customer who previously used or ordered in col. 9, lines 18-52, and in order to know whether or not a customer has previously ordered or used, this type of information must have been checked. Also, in Col. 9, lines 23-28, it is shown that a customer can order photoprocessing for a particular type of film which is analogous to ordering prints with the same print service front.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

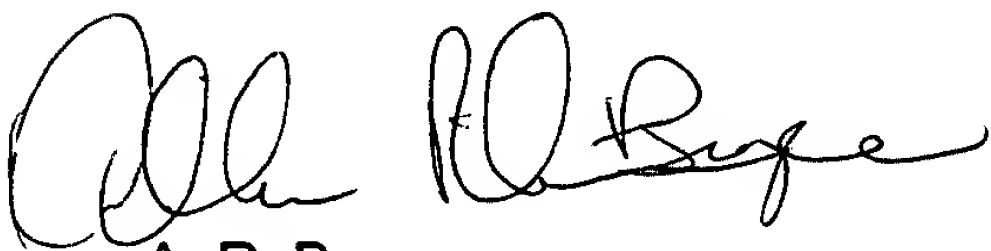
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A handwritten signature in black ink, appearing to read 'A. R. B.', is written over a horizontal line.

A. R. B.
August 6, 2007